

**REMARKS**

Claims 1-19 were pending in this application.

Claims 1, 2, 4-8, 10-15, and 17-19 are rejected.

Claims 3, 9, and 16 are objected to.

Claims 1-7, 9, and 15-19 have been amended as shown above.

Claim 14 has been cancelled.

Claims 20 and 21 have been added.

Claims 1-13 and 15-21 are now pending in this application.

Reconsideration and full allowance of Claims 1-13 and 15-21 are respectfully requested.

**I. ALLOWABLE CLAIMS**

The Applicant thanks the Examiner for the indication that Claims 3, 9, and 16 would be allowable if rewritten in independent form to incorporate the elements of their base claims and any intervening claims.

The Applicant has amended Claims 3, 9, and 16 into independent form. As a result, Claims 3, 9, and 16 (and Claims 15 and 17-19 depending from Claim 16) are in condition for allowance.

The Applicant has also amended Claim 7 to recite elements recited in Claim 3. As a result, Claim 7 (and Claims 8 and 10-13 depending from Claim 7) is in condition for allowance.

Based on this, Claims 3, 7-13, and 15-19 are allowable. The Applicant respectfully requests full allowance of Claims 3, 7-13, and 15-19.

## II. REJECTION UNDER 35 U.S.C. § 103

The Office Action rejects Claims 1, 5, 7, 13, 14, and 19 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,500,538 to Yamazaki et al. ("*Yamazaki*") in view of U.S. Patent No. 4,298,866 to Hodemaekers ("*Hodemaekers*"). The Office Action rejects Claims 2, 4, 8, 10, 15, and 17 under 35 U.S.C. § 103(a) as being unpatentable over *Yamazaki* and *Hodemaekers* in further view of U.S. Patent No. 6,412,977 to Black et al. ("*Black*"). The Office Action rejects Claims 6, 11, and 18 under 35 U.S.C. § 103(a) as being unpatentable over *Yamazaki* and *Hodemaekers* in further view of U.S. Patent No. 5,940,184 to Okabe ("*Okabe*"). The Office Action rejects Claim 12 under 35 U.S.C. § 103(a) as being unpatentable over *Yamazaki* and *Hodemaekers* in further view of U.S. Patent No. 6,466,204 to Oh ("*Oh*"). These rejections are respectfully traversed.

In *ex parte* examination of patent applications, the Patent Office bears the burden of establishing a *prima facie* case of obviousness. MPEP § 2142; *In re Fritch*, 972 F.2d 1260, 1262, 23 U.S.P.Q.2d 1780, 1783 (Fed. Cir. 1992). The initial burden of establishing a *prima facie* basis to deny patentability to a claimed invention is always upon the Patent Office. MPEP § 2142; *In re Oetiker*, 977 F.2d 1443, 1445, 24 U.S.P.Q.2d 1443, 1444 (Fed. Cir. 1992); *In re Piasecki*, 745 F.2d 1468, 1472, 223 U.S.P.Q. 785, 788 (Fed. Cir. 1984). Only when a *prima facie* case of obviousness is established does the burden shift to the applicant to produce evidence of nonobviousness. MPEP § 2142; *In re Oetiker*, 977 F.2d 1443, 1445, 24 U.S.P.Q.2d 1443, 1444 (Fed. Cir. 1992); *In re Rijckaert*, 9 F.3d 1531, 1532, 28 U.S.P.Q.2d 1955, 1956 (Fed. Cir. 1993). If the Patent Office does not produce a *prima facie* case of unpatentability, then

without more the applicant is entitled to grant of a patent. *In re Oetiker*, 977 F.2d 1443, 1445, 24 U.S.P.Q.2d 1443, 1444 (Fed. Cir. 1992); *In re Grabiak*, 769 F.2d 729, 733, 226 U.S.P.Q. 870, 873 (Fed. Cir. 1985).

A *prima facie* case of obviousness is established when the teachings of the prior art itself suggest the claimed subject matter to a person of ordinary skill in the art. *In re Bell*, 991 F.2d 781, 783, 26 U.S.P.Q.2d 1529, 1531 (Fed. Cir. 1993). To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed invention and the reasonable expectation of success must both be found in the prior art, and not based on applicant's disclosure. MPEP § 2142.

Claim 1 has been amended to recite that means for adjusting an operating voltage of a liquid crystal display device are capable of "supplying an input voltage to a measuring element," "measuring a current through the measuring element," "determining a derived current using the measured current," and "adjusting the operating voltage using the derived current." *Yamazaki* and *Hodemaekers* both fail to disclose, teach, or suggest adjusting an operating voltage of a liquid crystal display device in the manner recited in Claim 1. In fact, both *Yamazaki* and *Hodemaekers* fail to disclose, teach, or suggest using any type of "derived current" to adjust an operating voltage of a liquid crystal display device as recited in Claim 1. As a result, the

proposed *Yamazaki-Hodemaekers* combination fails to disclose, teach, or suggest all elements of Claim 1.

For these reasons, the proposed *Yamazaki-Hodemaekers* combination fails to disclose, teach, or suggest the Applicant's invention as recited in Claim 1 (and Claims 2 and 4-6 depending from Claim 1).

Regarding Claims 3, 7-13, and 15-19, these claims have been amended as described above in Section I. Based on these amendments, Claims 3, 7-13, and 15-19 are allowable.

Accordingly, the Applicant respectfully requests withdrawal of the § 103 rejection and full allowance of Claims 1-13 and 15-19.

### III. NEW CLAIMS

The Applicant has added new Claims 20 and 21. The Applicant respectfully submits that no new matter has been added. The Applicant respectfully requests entry and full allowance of Claims 20 and 21.

### IV. CONCLUSION

As a result of the foregoing, the Applicant asserts that the remaining claims in the application are in condition for allowance and respectfully requests allowance of such claims.

SUMMARY


If any issues arise, or if the Examiner has any suggestions for expediting allowance of this application, the Applicant respectfully invites the Examiner to contact the undersigned at the telephone number indicated below or at *wmunck@davismunck.com*.

The Applicant has included a check to cover the cost of this AMENDMENT AND RESPONSE. No additional fees are believed to be necessary. If any additional fees are required for the prosecution of this application (including any extension of time fees), please charge the necessary fees to Deposit Account No. 50-0208.

Respectfully submitted,

DAVIS MUNCK, P.C.

Date: March 8, 2004

  
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